

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9601 OF 2019

Kirit Purshottam Laljee (since deceased through
legal heirs) Rekha Kirit Kapadia and Ors. .. Petitioners

Versus

Manjula Jamnadas Choksi and Ors. .. Respondents

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- Mr. V. Mannadiar i./by M/s. Mannadiar and Co., Advocate for Petitioner.
 - Mr. Ajay Panicker i./by Ajay Law Associates, Advocate for Respondent Nos.1 to 8.
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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 12, 2024

P.C.:

1. Heard Mr. Mannadiar, learned Advocate for Petitioner and Mr. Panicker, learned Advocate for Respondent Nos.1 to 8.

2. Mr. Mannadiar is granted leave and liberty of this Court to file Vakalatnama on behalf of newly added Petitioners. Registry is directed to accept the Vakalatnama within a period of two weeks from today.

3. The impugned order dated 02.05.2019 is passed by the learned Trial Court allowing Chamber Summons No.260 of 2019 filed by the Plaintiffs seeking to bring on record subsequent events, which would ultimately result in Plaintiffs being entitled to the balance portion of suit land namely 206 sq.mts. out of 2048 sq.mtrs. It is

Petitioners case that original owners i.e. Society for whom building was built on the suit property was granted Deemed Conveyance in the year 2015 for area admeasuring 1842.14 sq.mtrs and the same has been accepted, admitted and never challenged thereafter.

4. Plaintiffs sought to bring on record by amendment the issue pertaining to the dispute between the Plaintiffs and the Society which is also the subject matter of a parallel Suit No.136 of 2008 and Plaintiffs' Suit No.845 of 2013 filed in this Court.

5. In that view of the matter, considering that amendment pertained to subsequent events, by keeping all contentions of both parties open, the Chamber Summons has been allowed and hence no interference is warranted by this Court in the impugned order. Needless to state that all contentions of the parties are expressly kept open in the Suit proceedings. With the above directions, order under challenge dated 02.05.2019 is sustained.

6. Needless to state that interim relief / ad-interim relief granted, if any, stands vacated.

7. With the above directions, Writ Petition is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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